

1  
2  
3 UNITED STATES DISTRICT COURT  
4 DISTRICT OF NEVADA

5 \* \* \*

6 David Andrew Coil,

7 Plaintiff,

8 v.

9 Craig Mueller, et al.,

10 Defendants.

Case No. 2:24-cv-00304-RFB-DJA

11 **Order**

12 Plaintiff, an inmate at the Ely State Prison, is proceeding in this action *pro se* and *in forma*  
13 *pauperis*. Plaintiff has filed an amended complaint (ECF No. 13) and two addenda to that  
14 complaint (ECF Nos. 14, 15). Because Plaintiff's amended complaint is not complete in itself,  
the Court dismisses it without prejudice.

15 Plaintiff may not use addenda to supplement prior complaints. Instead, his amended  
16 complaint must be complete in itself without reference to any prior complaint. This is because, as  
17 a general rule, an amended complaint supersedes (replaces) the original complaint and renders  
18 prior complaints without legal effect. *Exeltis USA, Inc. v. First Databank, Inc.*, 779 F. App'x  
19 486, 487 (9th Cir. 2019). This means that Plaintiff's addenda (ECF Nos. 14 and 15) have  
20 superseded his amended complaint, making the addendum filed at ECF No. 15 the operative  
21 amended complaint. And if the case were to proceed on that addendum, it would mean that  
22 Plaintiff has abandoned his claims because he alleges no causes of action in that addendum.

23 Because it does not appear that it is Plaintiff's intent to abandon his claims, the Court will  
24 dismiss his amended complaint and addenda without prejudice and with leave to amend. If  
25 Plaintiff chooses to amend his complaint, Plaintiff must file a renewed amended complaint that  
26 includes *all* Defendants, *all* claims, and *all* exhibits. That amended complaint must be complete  
27 in itself. Plaintiff may not refer to his original complaint (ECF No. 1-1), his first amended  
28

1 complaint (ECF No. 13), or his addenda (ECF Nos. 14, 15) to make his amended complaint  
2 complete.

3  
4 **IT IS THEREFORE ORDERED** that Plaintiff's amended complaint (ECF No. 13) and  
5 addenda (ECF Nos. 14, 15) are **dismissed without prejudice and with leave to amend**. Plaintiff  
6 will have until **October 28, 2024** to file an amended complaint. If Plaintiff chooses to amend the  
7 complaint, Plaintiff is informed that the Court cannot refer to a prior pleading (i.e., the original  
8 complaint) to make the amended complaint complete. This is because, generally, an amended  
9 complaint supersedes the original complaint. Local Rule 15-1(a) requires that an amended  
10 complaint be complete without reference to any prior pleading. Once a plaintiff files an amended  
11 complaint, the original complaint no longer serves any function in the case. Therefore, in an  
12 amended complaint, as in an original complaint, each claim and the involvement of each  
13 Defendant must be sufficiently alleged. **Failure to comply with this order will result in the**  
14 **recommended dismissal of this case**. The Clerk of Court is kindly directed to send Plaintiff a  
15 copy of this order.

16  
17 DATED: September 27, 2024

18   
19 \_\_\_\_\_  
20 DANIEL J. ALBREGTS  
21 UNITED STATES MAGISTRATE JUDGE  
22  
23  
24  
25  
26  
27  
28